

REMARKS

Rejection of Claims 1-2, 4, 7-20, 22 and 23 under 35 U.S.C. § 103 (a) as being unpatentable over US 7,174,021 (Krishnaswamy) in view of US 2002/0129241 (Doyle) and further in view of US 6,199,170 (Dietrich)

Applicant respectfully traverses the rejection of claims 1-2, 4, 7-20, 22 and 23. Reconsideration is respectfully requested.

Applicant respectfully submits that the combination of Krishnaswamy, Doyle, and Dietrich does not teach or suggest all the claim limitations as set forth in independent claims 1, 14, 15, and 23. For example, independent claim 1 recites “receiving a first time out message operable for use with said rule, wherein said first time out message comprises a system time of day value and a time out limit indicating a time of day value by which an update message must be received... enforcing said rule by disabling playback of said program content in memory,” independent claim 14 recites “receiving a time out message comprising a time of day value and an expiration time of day value ... said rule disables playback of said program content if a time out message is not received prior to the expiration time of day value indicated by the previous time out message,” independent claims 15 and 23 recite “receiving a first time message ... comprising a system time of day value and an expiration time of day value... disabling playback of said program content if said second time message is not received prior to said expiration time of day value.” Further independent claims 1, 14, 15, and 23 recite “calculating a current time of day based on the [system] time of day value and a local clock of [a] client [device],” which are not taught or suggested in the combination of Krishnaswamy, Doyle, and Dietrich.

The Office Action on page 3, appears to equate Applicant’s “receiving a first time out message operable for use with said rule” to Krishnaswamy’s periodically

generating a new "rolling" pair of keys by a secure back-end server and provided to a front-end server along with a licensor certificate. However, according to Applicant's claim 1, the first time out message is operable for use with "a rule for determining whether said program content in memory may be played." In contrast, according to Krishnaswamy on col. 27, lines 21-22, a private key is protected through the use of a stateless rolling private key. Further, according to Applicant's claim 1, the first time out message is used for determining expiration of program content license (rule) stored in memory. In contrast, in Krishnaswamy, the rolling keys are generated periodically for protecting a private key and not for determining expiration of content license. Thus, Krishnaswamy fails to disclose Applicant's "receiving a first time out message operable for use with said rule."

Further, the Office Action appears to equate Applicant's "wherein said first time out message comprises a system time of day value and a time out limit indicating a time of day value by which an update message must be received" to Doyle's certificate containing a time stamp in Universal Coordinated Time (UTC), an interval etc. However, according to Applicant's claims 1, 14, 15, and 23 the first time out message comprises a time out limit indicating a time of day value by which an update message (second message) must be received. In contrast, according to Doyle, intervals are used by the system to provide the transient key pairs which safely encrypt the data in a certificate. Interval length, in seconds, is the amount of time that an interval and its unique key-pair will be used before destroying the private key and creating a new interval. Thus, in Doyle, the interval length is the amount of time within which a particular key-pair can be used. Before an interval expires, a next interval is created with a new key-pair. See Doyle, paragraphs [0115-0120]. Doyle nowhere discloses

that the interval length is the time within which an update message having a timeout limit for playing a program content must be received.

Further, the Office Action appears to equate Applicant's "calculating a current time of day based on the system time of day value and a local clock of a client device" to Dietrich's local system generating its own estimate of its own clock's error using a synchronization signal received from an external clock such as a UTC reference signal, GPS, cesium or rubidium clock etc. However, according to Applicant's claims "calculating a current time of day... and enforcing said rule by disabling playback of said program content in memory" as recited by claim 1 and "calculating a current time of day based on the system time of day value and a local clock of a client device ... disables playback of said program content if a time out message is not received prior to the expiration time of day value indicated by the previous time out message" as recited by claims 14, 15, and 23. At most, in Dietrich, a local system estimates its own clock error using an external clock. Dietrich nowhere discloses that a calculated current time is used for determining expiration of program content license. Thus, Dietrich fails to disclose Applicant's "calculating a current time of day... and enforcing said rule by disabling playback of said program content in memory."

For the above reasons, Applicant submits that claims 1, 14, 15, and 23 are not obvious in view of the combination of Krishnaswamy, Doyle, and Dietrich, and therefore that the rejection of claims 1, 14, 15, and 23 under 35 USC 103(a) should be withdrawn. Applicant requests that claims 1, 14, 15, and 23 now be passed to allowance.

Dependent claims 2, 4, and 7-13 depend from, and include all the limitations of independent claim 1. Dependent claims 16-20 and 22 depend from and include all the limitations of independent claim 15. Therefore, Applicant respectfully requests

the reconsideration of dependent claims 2, 4, 7-13, 16-20, and 22 and requests withdrawal of the rejection.

Conclusion

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Such action is earnestly solicited by the Applicant. Should the Examiner have any questions, comments, or suggestions, the Examiner is invited to contact the Applicant's attorney or agent at the telephone number indicated below.

To the extent an extension of time is needed for consideration of this response, Applicant hereby request such extension and, the Commissioner is hereby authorized to charge deposit account number 502117 for any fees associated therewith.

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Respectfully submitted,

By: /Larry T. Cullen/
Larry T. Cullen
Registration No.: 44,489

Motorola Connected Home Solutions
101 Tournament Drive
Horsham, PA 19044
(215) 323-1907